

Virginia Stationary Source Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number

Effective Date

Expiration Date

PRO-51286

September 18, 2001

September 18, 2006

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	County of Henrico Department of Public Utilities
Mailing Address:	P.O. Box 27032 Richmond, VA 23273
Facility Name:	Springfield Road Landfill
Facility Location:	10,600 Ford's Country Lane Glen Allen, VA 23060

Permit Issued this eighteenth day of **September 2001**.

Dennis H. Treacy, Director, Department of Environmental Quality

**County of Henrico, Springfield Road Landfill
Title V Operating Permit
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I. Facility Information

Permittee/Facility

County of Henrico
Department of Public Utilities
P.O. Box 27032
Richmond, VA 23273

Responsible Official

Arthur Petrini
Director, Department of Public Utilities
(804) 501-4280

Contact person

Steve Yob
Chief of Solid Waste
(804) 261-8217

Registration Number: 51286

County Plant ID: 087-0217

Facility Description:

SIC Code: 4953 - Springfield Road Landfill is a municipal solid waste landfill located at 10,600 Ford's Country Lane in Henrico County, Virginia. The landfill has operated since 1966 and is permitted to accept only solid wastes as defined and regulated by the Virginia Solid Waste Management Regulations. These wastes are generated from Henrico County and include general domestic household waste, commercial waste and construction debris. Only non-liquid, non-hazardous and non-infectious wastes are accepted at the landfill. The Springfield Road Landfill has six cells on 192 acres. The cells are Eastern Fill, Western Fill and Phases I, II, III and IV. The Eastern, Western and Phase I cells are closed and capped. Phase II and Phase III are the operating cells and Phase IV is the future cell.

The Springfield Road landfill was a small landfill that commenced construction in 1966 at a design capacity of 1,451,000 Mg and modified the design capacity in 1989 with an increase of 411,000 Mg to a total design capacity of 1,862,000 Mg. In 1994, the landfill increased its design capacity by 1,039,000 Mg to a total landfill design capacity of 2,901,000 Mg. Springfield Road Landfill was a small landfill that was modified to become a large landfill with a design capacity greater than 2.5 million Mg, and subject to 40 CFR 60 Subpart WWW.

II. Emissions Unit Specific Requirements

A. Insignificant Emission Unit Inventory List

None Applicable

B. Significant Emissions Unit Inventory List

Process Units

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
SRL-001	NA	Municipal Solid Waste Landfill	Commenced construction in 1966	2.9 million Mg of municipal solid waste
SRL-002	NA	Fugitive Dust/ Emissions	Commenced construction in 1966	2.9 million Mg of municipal solid waste

Pollution Control Equipment

None Applicable

C. Emission Unit Limitations

None Applicable

III. Emission Unit Specific Permit Terms for SRL-001, Landfill

A. SRL-001, Springfield Landfill

Limitations

1. The County of Henrico shall register the Springfield Road Landfill with the Department of Environmental Quality (DEQ) and shall maintain such registration by submitting annual updates of registration information and emissions as specified in Specific Condition 9 of this document.
(9 VAC 5-20-160 of State Regulations)
2. The permittee shall, to the extent practicable, maintain and operate any affected facility including air pollution control equipment or monitoring equipment, in a manner consistent

with good air pollution control practice of minimizing emissions. This condition applies at all times including periods of startup, shutdown and malfunction.

(9 VAC 5-20-180.A. of State Regulations)

3. The permitted capacity of the municipal solid waste (MSW) landfill is 2,901,000 megagrams of municipal solid waste. A change in the capacity may require an air permit to construct and operate.

(9 VAC 5-40-420 and 9 VAC 5-50-390 of State Regulations)

4. Except as specified in this permit, the permitted facility is to be operated in accordance with the applicable provisions of 40 CFR 60, Subpart WWW.

(9 VAC 5-50-410 of State Regulations)

5. Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:

- a. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.

- b. Dust from haul roads shall be controlled by wet suppression.

- c. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

(9 VAC 5-50-90 of State Regulations)

6. The application dated January 21, 1999 for the Title V Permit satisfies the requirements of Subpart WWW, 40 CFR 60.757 (a) for submission of the Initial and Revised Design Capacity Reports and the Initial NMOC Emission Rate Report (Tier 1) to the Director, Piedmont Regional Office.

(9 VAC 5-50-410 of State Regulations and 40 CFR 60.757 (a)(1) and 40 CFR 60.757 (b)).

7. The report dated March 17, 1999 for the Title V Permit satisfies the requirements of Subpart WWW, 40 CFR 60.757 C (1) for submission of the Revised NMOC Emission Rate Report (Tier 2) calculations to the Director, Piedmont Regional Office.

(9 VAC 5-50-410 of State Regulations and 40 CFR 60.757 (c)(1))

Testing

8. The permitted facility shall be designed and constructed to allow emissions testing using appropriate methods upon reasonable notice at any time.

(9 VAC 5-50-30 and 9 VAC 5-80-110 of State Regulations)

Reporting

9. Not later than February 1 of each year, the permittee shall submit an annual NMOC Emission Rate Report to the Director, Piedmont Regional Office. If the estimated NMOC emissions rate, as provided in the annual report, is less than 50 Mg per year of NMOC in

each of the reported five years, the permittee may submit an estimate of the NMOC emission rate for the next five years, in lieu of an annual report.

(9 VAC 5-50-410 of State Regulations, and 40 CFR 60.757 (b) and 40 CFR 60.757 (b) (1) (ii))

10. If the reported NMOC emission rate in the initial or any annual report referenced in Specific Condition 9 of this document equals or exceeds fifty (50) megagrams per year, the permittee shall:
 - a. Submit a landfill gas collection and control system design plan to the Director, Piedmont Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Specific Condition 13 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific NMOC concentration with Tier 2 calculations, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within 180 days of submittal of the first annual NMOC emission rate report referenced in Specific Condition 9 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual emission rate reporting as specified in Specific Condition 9 of this document and retest the site-specific NMOC emission rate every five (5) years.
(9 VAC 5-50-410 of State Regulations and 40 CFR 60.754 (a) (3) (iii) and 40 CFR 60.754 (b))
11. If, using a site-specific NMOC concentration with Tier 2 calculations, as referenced in Specific Condition 10 of this document, the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall:
 - a. Submit a landfill gas collection and control system design plan to the Director, Piedmont Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific methane generation constant with Tier 3 calculations, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within one (1) year of submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual NMOC emission rate reporting as specified in Specific Condition 10 of this document.
(9 VAC 5-50-410, 9 VAC 5-80-800 of State Regulations and 40 CFR 60.754 (a) (4))
12. If, using a site-specific methane generation constant as referenced in Specific Condition 11 of this document, the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall submit a landfill gas collection and control system design plan to the Director, Piedmont Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Specific Condition 10 of this document which indicates an NMOC emission rate of fifty (50) megagrams or greater.
(9 VAC 5-50-410 of State Regulations, 40 CFR 60.752 (b) (2))

13. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific Conditions 10, 11, or 12 of this document, the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC Chapter 80 (Solid Waste Management Regulations).
(9 VAC 5-40 Article 43 and 9 VAC 5-170-160 of State Regulations)
14. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific Conditions 10, 11, or 12 of this document, the permittee shall apply for a Title V Operating Permit significant modification within ninety (90) days of approval of the gas collection and control plan. A New Source Review permit may be necessary to construct such a system.
(9 VAC 5-80-230 of State Regulations)
15. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Specific Conditions 10, 11, or 12 of this document, the permittee shall install and have operational a landfill gas collection and control system within thirty (30) months of submittal of the first annual emission rate report referenced in Specific Condition 10 of this document that indicates an NMOC emission rate equal to or exceeding fifty (50) megagrams per year. The landfill gas collection and control system shall meet the following:
 - a. Is designed to handle the maximum expected landfill gas flow rate from the entire area of the landfill;
 - b. Collects landfill gas from each area, cell or group of cells in which solid waste has been placed for a period of:
 - (i) Five (5) years or more if the landfill is active; or
 - (ii) Two (2) years or more if the landfill is closed or at final grade;
 - c. Collects landfill gas at a sufficient extraction rate;
 - d. Is designed to minimize off-site migration of subsurface landfill gas;
 - e. Reduces NMOC by ninety-eight (98) weight percent or, for an enclosed combustion device, either reduces NMOC by ninety-eight (98) weight percent or reduces the outlet concentration of NMOC to less than 20 ppmv, dry, as hexane, at three (3) percent oxygen;
 - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above background level.
(9 VAC 5-50-410 of State Regulations and 40 CFR 60.752 (b) (2) (ii) (A))
16. The permittee shall submit a closure report in accordance with 40 CFR 60.757 (d) to the Director, Piedmont Regional Office, within thirty (30) days of the date that the municipal solid waste landfill ceases acceptance of waste.
(9 VAC 5-50-410 of State Regulations, 40 CFR 60.752 (b) (2) (iv) (A))

Recordkeeping

17. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Regional Office. These records shall include, but are not limited to the following:
- a. Current maximum design capacity, current amount of refuse in place, and annual refuse accumulation rates;
 - b. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition debris placed in landfill areas that are excluded from landfill gas estimation; and
 - c. Installation date and location of all vents and wells.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-800 and 9 VAC 5-50-50 of State Regulations)

IV. Facility Wide Requirements

All facility wide conditions and permit terms are included in Part II and Part III of this document.

V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None Identified	NA	NA

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

1. The date, place as defined in the permit, and time of sampling or measurements.
2. The date(s) analyses were performed.
3. The company or entity that performed the analyses.
4. The analytical techniques or methods used.
5. The results of such analyses.
6. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ at a minimum semi-annually. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

7. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
8. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - a. Exceedance of emissions limitations or operational restrictions;
 - b. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - c. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
9. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The

compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

The time period included in the certification. The time period to be addressed is January 1 to December 31.

The identification of each term or condition of the permit that is the basis of the certification.

The compliance status.

Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region, within four daytime business hours, after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3. of this permit. (9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Director, Piedmont Region, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown. (9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit. (9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)

Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

1. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
2. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
3. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
4. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
5. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
6. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
7. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.

The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

The permitted facility was at the time being properly operated.

During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.

For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in Failure/Malfunction Reporting above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.

In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)